

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	) MB Docket No. 14-82
	)
<b>PATRICK SULLIVAN</b>	) FRN 0003749041, 0006119796,
(Assignor)	) 0006149843, 0017196064
	)
and	) Facility ID No. 146162
	)
<b>LAKE BROADCASTING, INC.</b>	) File No BALFT-20120523ABY
(Assignee)	)
	)
Application for Consent to Assignment of	)
License of FM Translator Statin W238CE,	)
Montgomery, Alabama	)

To: Marlene H. Dortch, Secretary  
Attention: Chief Administrative Law Judge Richard L. Sippel

**LAKE BROADCASTING, INC.'S RESPONSES TO**  
**ENFORCEMENT BUREAU'S OBJECTIONS TO LAKE'S**  
**DIRECT CASE EXHIBITS**

Lake Broadcasting, Inc. ("Lake"), by its attorney, pursuant to the Presiding Judge's *Order*, FCC 17M-08, released February 28, 2017, hereby responds to the Enforcement Bureau's ("Bureau") April 21, 2017 "Objections" to Lake's direct case exhibits in this proceeding. The Presiding Judge should deny all of the Bureau's objections. In support whereof, the following is shown:

1. Lake offers six letters of reference from various acquaintances and business associates of Mr. Michael Rice as LB Exhibit 1, Appendix C. The Bureau objects to the admission of these letters as hearsay (Objections, Para. 2). It says that none of the authors of these letters have been identified as potential witnesses

at the hearing and cannot be cross-examined by the Bureau. The Bureau's objection flies in the face of the Presiding Judge's *Order*, FCC 14M-19, released June 18, 2014, and the Presiding Judge's rulings and comments at the June 24, 2014 Prehearing Conference in this proceeding.

2. Specifically, in Paragraph 5 of FCC 14M-19, *supra*, the Presiding Judge stated: "Unless ordered, character letters' authors shall not be deposed." At the Prehearing Conference, he clarified that he might not mind if character witnesses were deposed, but he did not want them to appear as witnesses at hearing. TR 13. The Bureau stated (TR 13) that it "would like to have the opportunity to at least speak with the witnesses, not necessarily depose them, but at least have the opportunity to flesh out any statements they may be intending to submit into the hearing record." In a "Joint Status Report" submitted by both parties on December 8, 2014, Lake provided copies of the six character letters in question. To Lake's knowledge, the Bureau never contacted any of the authors, and it has never requested that they be deposed. Thus, Lake submits that, by the Bureau's inaction over the course of 2½ years, it has waived its hearsay objection. The six letters should be admitted into evidence without special foundation or declarations of non-perjury by their authors; Michael Rice's Declaration at the beginning of LB Exhibit 1 should suffice. .

3. Similarly, the Bureau's objection to the admission of the October 31, 2011 letter of Dr. Wayne A. Stillings (LB Exhibit 1, Appendix D) falls flat and should be rejected. This letter was specifically mentioned in the *Hearing*

*Designation Order* (para. 14 *et seq.*) in this proceeding, and, in the *Order*, FCC 14M-19, *supra*, at Para. 6, the Presiding Judge requested a copy of the letter. Thus, the letter has become a basic document in this proceeding. To exclude it now as hearsay is preposterous.

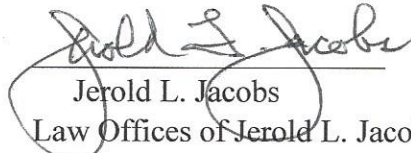
4. Dr. Stillings is indeed now deceased and thus unavailable as a witness. However, as the Bureau notes (Objections, Para. 4), the letter is part of the designated application in this proceeding and is referenced by both Lake's expert, Dr. Ann Duncan-Hively, and the Bureau's expert, Dr. Kimberly Weitzl, in their respective expert reports and written direct testimony. Under these circumstances, Lake urges that it would be absurd for the Presiding Judge not to admit the letter into evidence.

5. Recognizing the likelihood of admission, the Bureau urges (Objections, Para. 4) that Dr. Stillings' letter only be admitted "for the limited purpose of affording context to the expert psychologists' testimony and that [the Judge] direct all parties to refrain from relying on it for any other purpose". Lake submits that this proposed limitation destroys the whole value of Dr. Stillings' letter as the historical pronouncement of a well-known and respected treating psychiatrist whose patient Michael Rice was until 2011. His insights have important value in judging the progress of Mr. Rice's rehabilitation. The Bureau had three years to interview Dr. Stillings before he died on March 16, 2015 (the Lake application was filed on May 23, 2012), and his passing occurred almost a year after the application was designated for hearing. Thus, the Bureau has again waived any hearsay objection

because of its failure to act.

WHEREFORE, in view of the foregoing, Lake Broadcasting, Inc. urges that the Enforcement Bureau's Objections to Lake's direct case exhibits should be denied *in toto*, and the challenged exhibits should be admitted into evidence without any limitations.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jerold L. Jacobs", is written over a horizontal line. The signature is stylized with a large, looping initial "J".

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Dated: April 25, 2017



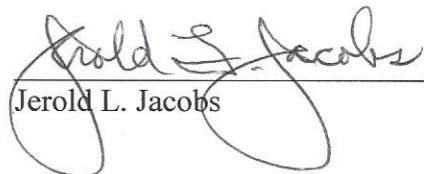
### CERTIFICATE OF SERVICE

I, Jerold L. Jacobs, hereby certify that on this 25th day of April, 2017, I filed the foregoing "LAKE BROADCASTING, INC.'S RESPONSES TO THE ENFORCEMENT BUREAU'S OBJECTIONS TO LAKE'S DIRECT CASE EXHIBITS" in ECFS and caused a copy to be sent via First Class United States Mail and via e-mail to the following:

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